

IN RE: PETITION FOR ZONING VARIANCE
W/S of the Intersection of
Hilltop Road & Holmes Avenue
(619 Hilltop Road)
1st Election District
1st Councilmanic District
Gary J. Glaeser, et ux
Petitioners
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-440-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an existing accessory structure (shed) in the side yard in lieu of the required rear yard placement, and a side yard setback of 1 foot in lieu of the required 2.5 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Gary Glaeser, appeared and testified. Also appearing on behalf of the Petition was Vince F. Ferry. There were no Protestants.

Testimony indicated that the subject property, known as 619 Hilltop Road, consists of 6,496 sq. ft. zoned D.R. 5.5, and is improved with a single family dwelling, swimming pool and shed as set forth in Petitioner's Exhibit 1. Testimony indicated that Petitioners constructed the subject shed approximately 8 years ago without benefit of a permit. As a result of a recent complaint filed, Petitioners were advised the shed was in violation of the setback requirements of the zoning regulations. The Petitioners subsequently filed the instant Petition to request permission to allow the shed to remain in its present location.

Mr. Ferry concurred with Mr. Glaeser's testimony and indicated his support of the requested variance. Testimony presented by both Mr. Glaeser and Mr. Ferry indicated the relief requested meets the conditions and requirements set forth in Section 307.1 of the Baltimore County Zoning

Regulations (B.C.Z.R.). Mr. Glaeser further testified that the granting of the requested variance would not result in any detriment to the health, safety or general welfare to the community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of May, 1989 that the Petition for Zoning Variance to permit an existing accessory structure (shed) in the side yard in lieu of the required rear yard placement, and a side yard setback of 1

feet in lieu of the required 2.5 feet for same, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

DATE
FILED
BY
JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Gary J. Glaeser
619 Hilltop Road
Baltimore, Maryland 21228

RE: PETITION FOR ZONING VARIANCE
W/S of the Intersection of Hilltop Road and Holmes Avenue
(619 Hilltop Road)
1st Election District - 1st Councilmanic District
Gary J. Glaeser, et ux - Petitioners
Case No. 89-440-A

Dear Mr. & Mrs. Glaeser:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

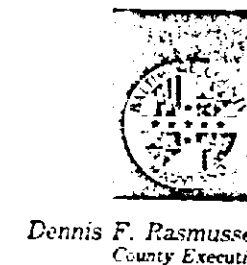
Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-440-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.1 To allow an accessory structure shed in the side yard with a side setback of 1 ft. in lieu of the required rear yard with a minimum setback of 2 1/2 ft. respectively.

1. Unusual shape of property prohibits placement elsewhere.
2. The above coupled with the fact that there are public streets in the front and back of my property.
3. Structure has been in the present location in excess of (8) years.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Gary J. Glaeser
(Type or Print Name)
Signature: *Gary J. Glaeser*
Address: 619 Hilltop Rd.
City and State: Baltimore, MD 21228
Horney for Petitioner: *Gary J. Glaeser*
(Type or Print Name)
Signature: *Gary J. Glaeser*
Address: 619 Hilltop Rd.
City and State: Baltimore, MD 21228
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name: Gary J. Glaeser
Address: 619 Hilltop Rd.
City and State: Baltimore, MD 21228
Phone No.: 212-228-1111
Attorney's Telephone No.: 212-228-1111

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 5th day of May, 1989, at 2:00 o'clock p.m.

(over)

ZONING DESCRIPTION

Beginning at the corner of Hilltop Road and Holmes Avenue, and traveling 122'5", in a West direction (point A) and traveling from the same corner 168'101/2" in a north west direction (point B) and point A and B connecting at a distance of 116'3" is the property known as Lot 26 on the plat of Bloomsbury Field prepared by S. S. Surveyor dated 5/12/23 and recorded among the land records of Baltimore County in plat book W.P.C. No. 7, Folio 71, and also known as 619 Hilltop Road in the 1st election district.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: 4-14-89

District: 1st
Posted for: Gary J. Glaeser et ux
Petitioner: Gary J. Glaeser et ux
Location of property: W/S Intersection of Hilltop Road and Holmes Avenue (619 Hilltop Road)
Location of Signs: 2 on front of 619 Hilltop Road
Remarks: J. Robert Haines
Posted by: J. Robert Haines
Signature: *J. Robert Haines*
Number of Signs: 1
Date of return: 4-21-89

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on Friday, May 5, 1989 at 2:00 p.m.

Variance: to allow an accessory structure (shed) in the side yard with a side setback of 1 ft. in lieu of the required rear yard with a minimum setback of 2 1/2 ft. respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the execution of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JRH:bjs

Office of PATUXENT Publishing Company

10750 Little Patuxent Pkwy.
Columbia, MD 21044

THIS IS TO CERTIFY, that the annexed advertisement of

was inserted in the following: ☒ The Jeffersonian
☒ Catonsville Times
☒ Arbutus Times
☒ Reporter Weekly
☐ Booster Weekly
☐ Owings Mills Flier
☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for 19 successive weeks before the day of April 19, 1989 that is to say, the same was inserted in the issues of

PATUXENT PUBLISHING COMPANY

S. J. J. J.

PO 10936
NY 127137
CA 89-440-A
price \$ 64.69

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Date: 4-10-89

Mr. & Mrs. Gary J. Glaeser
619 Hilltop Avenue
Catonsville, Maryland 21228

Re: Petition for Zoning Variance
CASE NUMBER: 89-440-A
W/S Intersection Hilltop Road and Holmes Avenue
619 Hilltop Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Gary J. Glaeser, et ux
HEARING SCHEDULED: FRIDAY, MAY 5, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$19.69 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

There will be an additional

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 4/5/89 ACCOUNT: 01615 3000

AMOUNT: \$19.69

RECEIVED FROM: Gary J. Glaeser

FOR: 89-440-A Posting & Ad.

BALTIMORE COUNTY, MARYLAND

VALIDATION OR SIGNATURE OF CASHIER



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

March 20, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-440-A
40 Intersection Hilltop Road and Holmes Avenue
519 Hilltop Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Gary J. Glaeser, et ux
HEARING SCHEDULED: FRIDAY, MAY 5, 1989 at 2:00 p.m.

Variance to allow an accessory structure (shed) in the side yard with a side setback of 1 ft. in lieu of the required rear yard with a minimum setback of 2 1/2 ft. respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Gary J. Glaeser, et ux
Michael Corbin
File

Request for Assistance

Date: 1-2-88
CITIZEN INFORMATION
Name: Michael Corbin
Address: 617 Hilltop Rd.
Form Initiated By: Helene
Dist: Co. 1 Elec. 1
Telephone: 298-6776

PROBLEM 617 Hilltop Rd. - Building attached to house on his property line.

CITIZEN CONTACT

Date: NOV 4 1989
Contact By: ZONING OFFICE

AGENCY ACTION

C-89-958

FINAL DISPOSITION

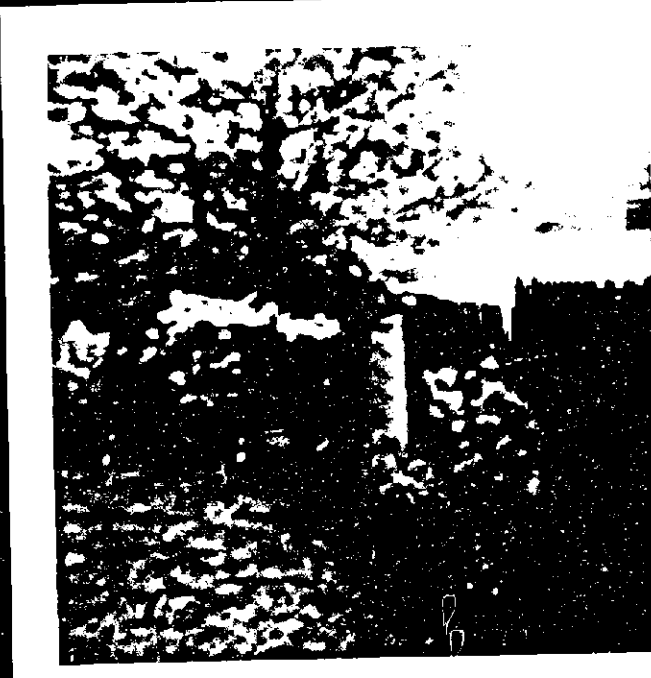
Date:
DCA Staff Person:

Division of Citizens Assistance

PETITIONER(S) EXHIBIT (2)



VENT TUBE
ELEC. WIRES



PROPERTY LINE



SIDE OF SHED
IDEA FROM MY L.F.O.M.

TO: ZONING COMMISSIONER OF BALTIMORE COUNTY
FROM: MICHAEL S. CORBIN
617 HILLTOP RD.
CATONSVILLE, MD. 21228

REF: CASE NO. 89-440-A
40 INTERSECTION HILLTOP RD. AND HOLMES AVE.
619 HILLTOP RD.
PETITIONER: GARY J. GLAESER ET UX
CALL: 3 POLAROID SNAPSHOTS

DEAR SIR:
MY FATHER, JAMES L. CORBIN OF RR#1 BOX 165
LYNKHURST VA. 22952, SOLE OWNER OF THE PROPERTY
KNOWN AS 617 HILLTOP RD. CATONSVILLE MD. 21228
HAS ASKED ME, THE OCCUPANT OF THE PROPERTY, TO ASK
YOU TO NOT GRANT A BUILDING PERMIT FOR A "SHED" ADJOINING
HIS PROPERTY FOR THE FOLLOWING REASONS.

1. AFTER CONSULTING WITH LOCAL REALTORS THEY ALL
SAID THAT IT WOULD HAVE A IMPACT ON THE PROPERTY
BY REDUCING ITS VALUE AND APPEAL BECAUSE THE
SIDE OF THE "SHED" (WHICH IS ALREADY BUILT) IS
PART OF THE FENCE LINE AND VISIBLE FROM OUR
PROPERTY.

2. WITH THIS "SHED" ADJOINING MR. GLAESER'S HOME
AND THE FENCE WE FEEL THAT IN THE EVENT OF A
FIRE ON HIS PROPERTY THERE IS A MUCH

GREATER POSSIBILITY OF IT SPREADING TO OUR
PROPERTY AND HOME.

3. THE "SHED" THAT JOINS MR. GLAESER'S HOUSE HAS
A "FOUR AIR VENT TUBE EXTENDING APPROX. 12" ABOVE
HIS ROOFLINE. THIS MAKES US BELIEVE THAT A WASH-
ROOM OR BATHROOM WAS ADDED TO THAT SIDE OF THE
"SHED" THAT JOINS HIS HOUSE. IF SO, WE BELIEVE IT
WAS A HOME ADDITION EVEN IF A PORTION IS USED
FOR STORAGE AND HAS AN OUTSIDE ENTRANCE.

4. THE "SHED" HAS ALREADY BEEN BUILT AND IF IT
CONTAINS UNINSPECTED PLUMBING AND ELECTRICAL
SERVICES IT COULD BE A HAZARD. AGAIN IN
EVENT OF FIRE IT COULD GO ACROSS THE SHINGLED
WOOD ROOF AND CATCH THE TREES ON FIRE
THAT ARE CLOSE TO OUR HOUSE.

SIR: WE ASK YOU TO TAKE THESE REASONS AND
CONCERN'S INTO CONSIDERATION WHY HEARING MR.
GLAESER'S PETITION AND REJECT IT.

IF A BUILDING PERMIT IS GRANTED WE ASK
THAT THE FENCE LINE BE USED AS THE PROPERTY
LINE FOR THE ONE FOOT SETBACK OR
MR. GLAESER PAY THE FULL EXPENSE OF HAVING IT
SURVEYED TO ESTABLISH THE PROPERTY LINE.

COURT.

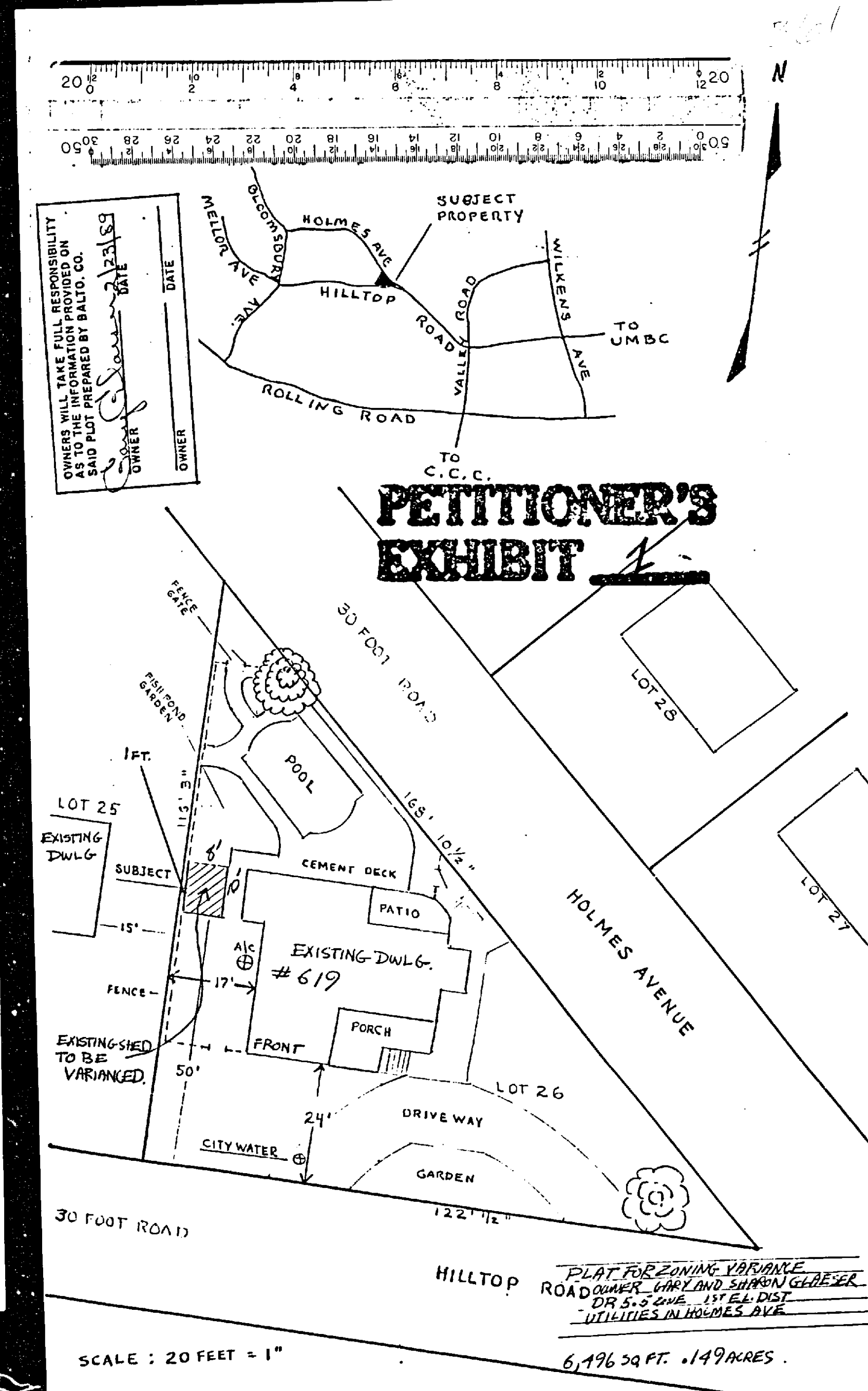
THE PERSON I ASK THIS IS MR. GLAESER HAS STARTED
MOVING ON MY SIDE OF THE FENCE. I BELIEVE HE WILL
TRY TO SAY THAT THE PROPERTY LINE IS ONE FOOT BACK
FROM THE FENCE.

I TALKED TO MY GREAT AUNT, WHO OWNED THE PROPERTY
SINCE 1946, IF THE FENCE WAS THE PROPERTY LINE
BEFORE HER DEATH IN 1986, SHE SAID IT WAS. MY FATHER
ALSO CONFIRMED THIS. ALSO, MY FATHER BELIEVES THAT
ONCE A FENCE LINE HAS BEEN BUILT, FOR MORE THAN SEVEN
YEARS, TO SEPARATE PROPERTY IT BECOMES THE PROPERTY LINE
UNLESS CONTESTED DURING THE SEVEN YEAR PERIOD.

THANK YOU FOR YOUR TIME AND CONSIDERATION IN
THIS MATTER.

SINCERELY,

Michael J. Corbin
APRIL 29, 1989



89-440-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
8th day of March, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Gary J. Glaeser, et ux Received by: James E. Dyer
Petitioner's Attorney: Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1989

COUNTY OFFICE BLOC.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ofo

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Gary J. Glaeser
619 Hilltop Road
Baltimore, MD 21228

RE: Item No. 361, Case No. 89-440-A
Petitioner: Gary J. Glaeser, et ux
Petition for Zoning Variance

Dear Mr. Glaeser:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer/jw
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Gary J. Glaeser, et ux

Location: WS of intersection of Hilltop Road and Holmes Ave.

Item No.: 361

Zoning Agenda: March 7, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Joseph Kelly* 3-17-89
Planning Group
Special Inspection Division

NOTED & APPROVED: *Paul H. Reincke*
Fire Prevention Bureau

/jl

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: 3/5/89

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-440-A
Item No. 361

Re: Gary J. Glaeser, et ux

The Petitioners request a variance to permit an accessory structure in the side yard in lieu of the required rear yard and to be located 1 foot from the property line in lieu of the required 2-1/2 feet. In reference to this request, staff offers no comment.

A:5589.txt pg.2

RECEIVED
MAY 1 1989
ZONING OFFICE